high medical qualification and that is why he was entertained.

Mr. M. A. GOPALASWAMY IYENGAR.—It was said that vacancies of Assistant Surgeons are not usually advertised and that medical probationers would be promoted to the grade of Assistant Surgeons. Then, where was the necessity for taking an outsider directly as Assistant Surgeon?

Mr. PRESIDENT.—It is not fair to take persons with that very high qualification as probationers. Neither would they accept such a post. This is an exceptional case. But it does not mean that the same procedure would be adopted in other cases.

GOVERNMENT BUSINESS—BILLS.—*contd.*

II. General Principles of the Bill for the Removal of Religious and Caste Disabilities.

Before explaining the general principles of the measure, **the GENERAL SECRETARY to GOVERNMENT (Mr. M. Venkatesa Iyengar)** said that the main object of the bill was to leave the inheritance rights of persons born in one faith unaffected by their embracing another faith. For example, under the Hindu Law as in force at present, a member of a Hindu joint family, on conversion to another religion, forfeited his right to his share in the joint family property. A Mahomedan on conversion would lose the right to a share in his father's property which would be his if he continued a Mahomedan. With a view to remove this disability, the Religious and Caste Disabilities Removal Act was enacted in British India in 1850. The Christian Missionaries in the State had been representing the need for similar legislation in the State also. When it was urged once some time before the Rendition, *i.e.*, 1881, it was stated that the situation of the State was peculiar and the matter should be deferred. Cases occurred occasionally in courts which brought the question to prominence and in consequence, Government constituted in 1905 a Committee with Chief Justice Staley as Chairman to enquire into the necessity or otherwise of a measure like the British Indian Act and submit a report. It might interest the members to know that Sir K. P. Puttanna Chetty was a member of that committee. There were also a Mahomedan and an Indian Christian member on it. After detailed enquiry, the committee suggested that legislation be enacted to remove caste disabilities in the matter of inheritance, but proposed various safeguards to prevent hardship to persons related to the converts in other respects. Accordingly, a bill was framed and was placed before the Legislative Council of 1910. The House discussed it at great length and finally rejected it, and further consideration of the question was deferred for the time being. Twenty-five years had passed since then and with the march of time, social conditions and the outlook of the people had undergone considerable change. Government had therefore brought up the bill again to ascertain the opinion of the representatives of the people in the matter.

The measure before the House was not an exact copy of the Act in British India. In the British Indian Act, a person embracing another religion was freed from all disabilities. But certain restrictions had been imposed in the measure proposed in Mysore and now before the House. The idea behind the restrictions was that the convert should not acquire or retain or exercise any right which was peculiar or appropriate only to the religion from which he had seceded and should not be allowed to impose his preference for another faith on his wife or minor children.

Continuing, **Mr. VENKATESA IYENGAR** said that from the statement of general principles, it should be clear to members that the measure was a very innocent one. The bill had been published in the Gazette and public criticism was invited. So far as he was aware, only four objections had been received. What had been stated in those objections was that the bill had been thrown out in 1910 as not wanted and that as the people had

not asked for this legislation, there was no need for its introduction. As regards the first objection, he would say that social conditions had undergone considerable change during the past two decades and there was every possibility of public opinion being in favour of the measure. As regards the second point of objection, he said that it could not be said that Government should not enact beneficent measures on their own initiative. If the circumstances indicated the need for legislation of this or other nature, Government might undertake it and need not wait for the people to propose it.

The speaker also said that as in the past there might be an apprehension in the minds of people of the Hindu community that the measure, if introduced, would result in the disruption of Hindu society. That would be an alarmist view. A law which went farther had been in operation in British India for over eighty years and had not disrupted Hindu society. It had also to be remembered that the measure did not affect the Hindus only. The measure would apply to all communities.

It might be argued that according to the Hindu Law, only those who were entitled to offer *pinda* to their ancestors would be entitled to inheritance rights, and that as a person embracing another religion would have no right of offering *pinda*, he could not keep the inheritance rights. But no one could say for certain what the basic principles were on which the Hindu Law of inheritance was based. These principles could only be inferred. The previous day, during the discussion on the general principles of the Bill to amend the Hindu Law in regard to the rules of exclusion from inheritance, members had suggested several such principles, any or all of which might possibly be grounds and some of which might not have been so in fact. In any case, the argument that what was ancient should not be altered could not be urged any longer. It certainly would not be urged in this House which had agreed in the past to Hindu Law being modified to suit changed conditions. The House had agreed to one such law the previous day. Was not that a departure from *Smrithis*? But the change was necessary and the House had agreed to it. That was the ground on which the present measure also was commended to the acceptance of the House.

The enactment of the measure would bring the State into line with British India in a matter of some importance to various sections of the population. While involving no real loss to any person or group of persons, it would remove any impression in any quarter that liberty of conscience was denied in the State. The impression was of course utterly baseless, but a measure like this would make it perfectly clear and bring added prestige to the fair name of the State.

With these preliminary remarks, he explained the general principles of the Bill as follows and commended them for the acceptance of the House:—

Under the Hindu Law, a person on conversion to another religion is considered civilly dead and he loses his rights of inheritance in the family to which he belonged. In order to remove this disability, Act XXI of 1850 was passed in British India. Indian Christian converts in Mysore, however, continue to be legally incapable of asserting their rights to property against the Hindu members of the family from which they have separated. It is now proposed to remove this disability in Mysore by legislation.

The Regulation will apply to persons who change their religion as well as to those who are excluded from their caste.

The bill, while removing all reasonable grievances of the converts, leaves unimpaired the reciprocal rights of the members remaining in the religion. It is intended that neither the convert nor his relations in the religion which he has left should either lose or gain by the conversion or by the loss of caste of one of the members of the family.

No person or heir of such person will be deprived of any vested interest in property or any right of inheritance or personal right by reason of his having renounced or being excluded from any

religion or of his being deprived of his caste. This right is subject to the important proviso that the convert shall not acquire or retain or exercise any right which is peculiar or appropriate only to the religion from which he has seceded.

Further no person shall be divested or deprived of any property or right of inheritance or personal right by reason merely of another person having renounced his religion or being deprived of caste. It is intended by this provision to secure to those who remain within the fold of the religion from which the convert has seceded their reciprocal rights. It will be further provided that no person shall be forced to do any act or to suffer any act inconsistent with or not appropriate to his own religion or caste by reason of another person's conversion or loss of caste. This is intended to protect, among other things, the religious interests of minors and with this object the Court is required to presume that the religion or caste of any person is that in which he is born and that till the contrary is proved, it is for the advantage of a minor to remain in the religion or caste in which he was born.

Mr. H. B. GUNDAPPA, in criticising the measure, said that its introduction in a Hindu State like Mysore was most unwelcome to every Hindu. The peculiar circumstances that led to the promulgation of the Caste Disabilities Removal Act in British India in 1850 did not exist at present in the State. There was no demand for it, so far as he knew, from the Christian Missionaries as was the case in British India in 1850; nor did the public want it. Under such circumstances, he was surprised to see the anxiety on the part of the Government to take the initiative in the matter. It had been stated by the General Secretary that Government themselves might take the initiative in enacting beneficent measures. But the speaker thought that in matters pertaining to social reform, the proper course for the Government would be to go by the public opinion.

It was also stated by the General Secretary that the bill had been published in the Gazette for eliciting public criticism and that only 4 objections against it had been received. It could not be inferred from it that public opinion was in favour of the measure. The members kept quiet not because they had no objections to offer but because they thought they had a better opportunity of threshing it out in the Assembly.

Mr. GUNDAPPA disagreed with the mover in his statement that the measure would not in any way affect the Hindu society. He said that though the title of the measure was "A Bill for the Removal of Religious and Caste Disabilities" it really aimed at benefiting the Christian faith at the expense of the Hindu faith. The Hindu Law of Inheritance was based on certain religious convictions and not on contractual obligations. According to it, only those entitled to offer *pinda* to their ancestors would be entitled to inheritance. On conversion to another faith, a person would become ineligible to offer *pinda* and with it he would become ineligible also to any share in the property of the family of his birth. That was a wholesome restriction imposed with a view to safeguard the solidarity of the society. Similar restrictions existed in other religions also and they had been framed on rational basis. If that restriction was removed as proposed in the measure, conversions would increase and so far as the Hindu society was concerned, the joint family stood to lose the property also along with the person. This would cut at the very root of the principle governing the Hindu Law of Inheritance.

There was also another point to be borne in mind in this connection. The Hindu religion did not permit a non-Hindu to enter its fold unlike other religions and as such there was no possibility of the Hindu society getting enlarged by way of conversions. Such being the case, every conversion from the Hindu faith to any other faith meant a loss to the society. Already the Hindu society was getting disrupted for various reasons. The introduction of the measure at this stage would result in hastening its disintegration.

In conclusion, he said that the measure had been thrown out by the Legislative Council in 1910. It was not, even now, in consonance with the modern notions of justice and equity prevailing in the Hindu religion. The State had remained without it for the last 80 years and it could well afford to be so for some years to come.

With these remarks, he opposed the measure.

Mr. C. N. NARASINGA RAO, in tracing the causes that led to the introduction of the Caste Disabilities Removal Act in British India so long ago as 1850, said that the East India Company which was then trying to establish British rule in India found it absolutely necessary to consolidate its forces by converting as large a number of people as possible to the Christian faith. To that end, several Acts were promulgated, of which the Caste Disabilities Removal Act was one. The Missionaries played a very important part in influencing the then administration to promulgate those Acts. It was also easy for the Government to enact such measures, as the Indian Legislature then was composed of purely nominated members. But there was no reason why the Hindu State of Mysore should allow itself to be influenced by the missionary propaganda.

Proceeding, **Mr. NARASINGA RAO** said that there was nothing on record to show that any hardships had been caused for want of the proposed legislation in the State. The argument that there should be such a measure in the State also with a view to fall in line with British India did not appeal to the people. Mysore had earned the name of a Model State in India long ago even without the proposed legislation on the statute book. If this measure had really been a beneficial one, as it was professed to be, it should have been introduced by the British Government during the Commission days at any time before Rendition. The very fact that it was not done went to show that the measure was one of doubtful utility. Also the fact that the measure was deliberately thrown out by the Legislative Council in 1910 went to show that it was one which did not command public support. Even at present, there was nothing to show that either the converts or the people in general wanted the measure. If in spite of all those hard facts, the Government should have brought this most unwelcome measure in the year of grace 1936, it clearly went to show that it was the outcome of missionary influence. The unpleasant occurrences of 1857 must serve as a sufficient warning to any organised Government against venturing on such a reactionary measure.

Continuing, the speaker said that it was only the Christian faith that stood to benefit as a result of this measure. Jesus Christ had said that only he was worthy of Him who purely out of religious convictions got himself converted to Christianity. A person of such staunch religious conviction would be the last one to care for any material benefit from the family which he had forsaken. Such being the case, he did not see any reason why special facilities should be provided for people to get themselves converted into Christianity. Another point to be borne in mind in this connection was that once a man changed his religion, he in his capacity as the natural guardian of the minor children would get all of them converted along with him. In cases where such an attempt should prove futile, it might lead to even kidnapping of women and children. As under the recent reform of the Hindu Law, even women would have their share of property, the particular family of which a member was converted would be losing not only the women and children, but also the property with them. And the speaker would not be surprised if as a result of the proposed legislation, there was a chance of even jahgirs becoming Christian properties. All these facts considered, the proposed legislation was against equity, justice and good conscience. For these reasons, he requested the Government to withdraw the measure.

Nawab SHER KHAN (of Honnali) said that the statement of general principles of the measure was placed into his hands quite recently and as such he

had no time to study its various implications. So far as his knowledge of his (Mahomedan) religion went, broadly speaking, the maxim was that a Mussalman on conversion to another religion should be considered, as in the case of the Hindus, civilly dead and should lose all his rights to property of the family of his birth. The speaker was doubtful if the measure would not be an unnecessary interference with his religion. Anyway, he would like to consult Ulemas and Moulvis before committing himself to any detailed criticism of the measure. For this reason, he suggested that the consideration of the bill be deferred.

Mr. H. M. CHANNABASAPPA regretted that the Government should have brought forward the measure. The kind of people who were getting themselves converted to other faiths were, as a rule, men of weak mind and of shallow knowledge of the Hindu Dharma Sastras. He was not prepared to believe that they were seeking other religions in any serious mood for the sake of spiritual salvation. More often than not, they were an easy prey to temptations and material gains. He did not see any reason why such people should be given the additional privilege of inheriting property from the family which they had deserted. It was a matter of common knowledge that a Hindu wife was generally guided by the actions of her husband and not infrequently followed in his foot-steps. As such, the first move on the part of the convert would be to entice away his wife and children to the new faith. Thus the Hindu society stood in danger of getting disrupted as a result of the introduction of the measure. When Government had shown hesitancy in enacting legislation in matters intended to promote the economic and social welfare of the people, the speaker was at a loss to know why they should be so anxious to introduce this unwanted measure.

With these remarks, he opposed the measure.

Mr. SYLVESTER PAIS, speaking in English, said as follows :—

Sir, on behalf of the Christian community, I strongly support the measure placed before the House. The General Secretary who introduced the measure has explained the details very ably and our thanks are due to him for the same. It was stated by the members who opposed the measure that there was no demand for such a measure from any quarter and as such the Government need not have voluntarily introduced it. That is not a correct impression. For many years, the Indian Christians were trying to bring forward a measure like this. When I was a member of the Legislative Council, there was a proposal to bring it as a non-official bill, but it was given up because it was thought that if it was introduced by the Government, we would be in a better position to conquer the opposition to it from the Hindu community. It is therefore not correct to say that there is no demand for the measure. I am able to represent to this House that we are solidly behind the missionaries in this matter and the missionaries are in their turn solidly behind the community.

This is a matter in which freedom of conscience is eminently involved. We are of opinion that, in modern times, freedom of conscience must be given to every member of the State. Whilst accepting this view, I submit that there cannot be the least drag in the exercise of this freedom of conscience. Any little impediment of this type is a drag in the exercise of that freedom and it should be eliminated.

Another point is this. The chief characteristic of any socio-religious legislation is that it generally comes into conflict with orthodoxy. But we have surmounted some of the obstacles. Temple entry may be quoted as an instance. We have surmounted the difficulty in the case of inter-caste marriages ; also in the matter of divorce. This is another step in that direction. The House was kind enough to support the bill removing restrictions in the matter of inheritance by certain classes of people only yesterday and in the same breath it ought not to throw away the second bill which is very much of the same nature.

There is another important point to be considered in this connection. When the subject of Retrocession came up for discussion, the residents of the Civil and Military Station objected to it on the ground that they would lose this freedom. That is not the only reason. We are on the eve of Federation when so many barriers have got to be levelled down. This is one of such barriers, however small it may be, which has got to be levelled down.

The interests of minors and their relations have been safeguarded in the bill. A member of the Hindu household can wait until partition and after that can get himself converted to any religion. His relatives then will be powerless.

This legislation ought to have come before now. To-day it is before the House. Even if it is thrown out to-day, it is sure to be passed to-morrow. Therefore I ask my colleagues to accept it with grace and not to oppose it.

Mr. L. VEMA REDDY said that the proposed measure would strike at the very root of the Hindu Dharma Sastras and would wound the religious susceptibilities of the Hindus who were very sensitive in matters pertaining to religion. In India, religion formed the key stone of the organized society and any inroad into the religion might lead to disastrous results. Instances to bear this out were not wanting in the past history of India. It was therefore up to the Government to avoid repetition of such ugly features by exercising caution in legislating on socio-religious matters. There was absolutely no cleavage among the various communities in Mysore at present and he did not want the Government to take the initiative in passing legislation affecting any religion and thus create bad blood among the communities. He had no doubt that even if the Government went to the extent of taking a referendum on the necessity for the measure, 95 per cent of the votes would be against it.

The Hindu civilisation was the oldest and the Hindu Law framed in the days of yore had been based on solid foundations. The very fact that it had a long career and had survived the onslaught of different civilisations and still flourished with vigour was proof positive of its inherent vitality and the far-sightedness of the framers of the law. Prognosticating what might happen centuries later, they had imposed certain healthy restrictions with a view to safeguard the solidarity of the society. Disinheriting those embracing other religions was one of such restrictions. This was a healthy provision in the Hindu Law and should be left unimpaired. Any meddling with it would have to be discountenanced by the Hindus as it would deprive the society not only of its members but also its property.

As regards Mr. Sylvester Pais' statement that the Indian Christian community preferred the Government to take the initiative so that opposition from the Hindu community might be overcome, the speaker said that this was not a question in which the Government could act independently against the wishes of the vast majority of the Hindu population. The measure was essentially one in which public opinion should suggest governmental action. For these reasons, he requested the Government to withdraw the measure.

Khan Bahadur MAHOMED ABBAS KHAN, in supporting the measure, said that Indian Christians who numbered about 75,000 were also the subjects of His Highness the Maharaja equally with others and it was up to the major communities to support their request for redress of the grievances which they represented they were labouring under.

To the argument advanced against the measure that if it was passed into law it would help proselytism, he said that even without a measure like this, conversions were taking place at present and nobody could help them. Opposition, if at all, was forthcoming only when a claim was preferred for a share of the property which the convert would have been entitled to before conversion. In other words, such opposition was tantamount to a refusal not to recognise the conversion as such, but to the grant of a share of the property in question. This was the grievance of the Indian

Christian community and it deserved to be redressed.

Referring to the statement of one of the previous speakers that proselytism to Hinduism was not possible, the speaker said that under the Arya Samaj and Shuddhi movements there was scope for conversion as they afforded facilities for it.

In conclusion he said that instead of having the existing artificial barriers, it would be far more desirable for the concerned group to dissuade the members thereof from seeking conversion.

Mr. V. VENKATAPPA, while agreeing that there should be freedom of conscience to every individual, did not see why any material advantages should be created in favour of persons changing their faith. One who sought conversion should do so purely out of religious convictions. Such a person should not care for the worldly benefits which he might be entitled to enjoy as the follower of his original faith. Speaking personally, he did not believe that stray cases of conversions from Hinduism to any other religion would prejudicially affect Hinduism because it was too deep-seated to be disrupted by the loss of a few individuals. But, that was no reason why the Government or anybody else should be anxious to create facilities for Hindus to leave their fold and embrace other faiths. The measure under discussion would encourage wavering individuals among the Hindus to join the Christian fold. He was therefore of opinion that the initiative taken by the Government was absolutely unwarranted.

Referring to the remarks of Mr. Mahomed Abbas Khan that with the help of Shuddhi movement conversion to Hinduism was possible, **Mr. VENKATAPPA** said that as far as he knew of the principles of that movement, only born Hindus who had embraced other religions could be taken back to the Hindu fold and not members of other religions. Such being the case, mass conversions to Hinduism were not possible under the Shuddhi movement.

Finally he said that as the measure aimed at disintegrating the Hindu society, it did not deserve the support of the House.

Mr. SYED MOHIYUDDIN HUSSAIN said that as a Khaji he had the privilege of converting a number of people of other faiths to the Mahomedan faith. Generally speaking, he had found by experience that conversions were due to sexual relations, food, drink and other similar temptations. But whatever the reasons, he had also found that once a person was determined to embrace a new faith, he would do so at the cost of forfeiting all the privileges enjoyed by him till then. Nothing would prevent him from taking the proposed step, not even the future interests of his wife, children and other relations. Under the existing Hindu Law in Mysore, in such cases the deserted wife and children would have at least something to fall back upon. But under the proposed law, the convert would take away the property also with him and the dependants would be left in the lurch. In the speaker's opinion that was nothing short of cruelty so far as the convert's dependants were concerned. He would therefore suggest that while a person need not be prevented from embracing any other faith, he should not be declared eligible to his share of the property in the family of his birth. There was no necessity to create such facilities for a person who renounced the religion of his birth.

As regards Mahomedanism, the speaker said that as a rule, Muslims would not recognise as their brethren people seceding from Islamic faith. The convert would forfeit all his privileges, social and otherwise. Such restrictions were necessary to keep up the solidarity of the society. Similarly, other religions had their own restrictions to maintain their solidarity. Personally he was quite satisfied that the legal and social restrictions imposed upon the members of each religious group were based on justice and equity, and he felt that no interference with them was called for at the present time. For these reasons he opposed the measure.

Mr. B. S. PUTTASWAMY, in opposing the measure, referred to *Khan*

Bahadur Mahomed Abbas Khan's remarks and observed that that member, in his anxiety to support the measure, had made certain statements which put the axe to the very root of the Hindu Law under which the basic principle of inheritance lay in the right to give *pinda* to deceased ancestors. A Hindu on conversion would forfeit his right to offer *pinda* to his ancestors and so automatically he would forfeit his title to any share of the property of the family to which he belonged. Thus, the speaker felt, that Mr. Abbas Khan's support to the measure dwindled into nothing, based as it was on a thorough ignorance of the rudiments of the Hindu Law.

In endorsing the views expressed by Mr. Venkatappa that a convert to a new faith should be actuated more by spiritual considerations, the speaker added that creating an interest in favour of a convert to a share in the property of the family to which he originally belonged would be virtually placing a premium on needless conversions. In other words, he apprehended that such a step would induce the members of the Hindu society to seek other faiths.

Continuing, **Mr. PUTTASWAMY** said that the proposed measure was not only unnecessary, but also inconsistent with the spirit of the times. Even in advanced western countries like Germany, the State was taking stringent measures to preserve racial integrity, such as by removing all contact with the Jews. Such being the case, he was unable to appreciate the anxiety of the Government to give facilities for proselytism by Christian missionaries. The Hindu religion was from time immemorial very zealous in regard to its own purity. For example, while almost every other religion recognized proselytism, conservative Hinduism never subscribed to it. That being so, it was hardly fair to allow other forces to prejudicially affect the time-honoured traditions and solidarity of that religion.

One of the members had pleaded that the proposed measure was necessary in order to facilitate the satisfactory settlement of the question of retrocession to Mysore of the Civil and Military Station area at Bangalore. The speaker was not sure that any radical departure from Hindu traditions was called for to gain the end in view. In fact, Mysore was entitled to the retrocession even without the proposed legislation. He did not know how any group or authority could make this legislation a condition precedent to the retrocession.

Yet another suggestion had been made that pressure had been brought to bear on the Mysore Government, on behalf of the Christian community, in regard to this legislation. He did not believe that statement. Neither would he believe the statement that the passing by the Mysore Government of the law in question was necessary if Mysore should join the All-India Federation. In any event, he was of opinion that pressure from outside, if there was any such at all, constituted in itself an adequate reason for rejecting the proposal outright.

Mrs. KAMALAMMA H. DASAPPA prefaced her remarks by saying that she was not well versed either in law or in religion. Speaking however from the point of view of common sense, she thought that conversions should generally be considered as the result of genuine faith. In such cases, questions of material gain hardly weighed with the individuals concerned. For example, Dr. Annie Beasant while coming over from the Christian to the Hindu fold, did not care for any worldly possessions. On that analogy, the speaker thought there was no need to give civil rights specially to converts from Hinduism. She had reason to think that more conversions now-a-days were taking place on account of material gains or other temptations offered by interested protagonists of certain religions. And in such cases, the creation of special facilities to converts by way of civil rights would only take away from the Hindu fold a larger number of individuals. She said that it was not possible for one to worship both God and Mammon and Government would only be disrupting the existing Hindu society by creating facilities such as those referred to in favour of the converts.

With these remarks, she opposed the measure.

Mr. S. K. VENKATARANGA IYENGAR also opposed the measure. He was surprised that the sponsors of the measure should be soliciting support to it under cover of what was called freedom of conscience, while as a matter of fact, freedom of conscience in favour of the convert would naturally interfere with the personal rights and liberties of the other members of the family. He would ask the House whether it was prepared with open eyes to allow any interference with personal laws in such a manner. Forfeiture of civil rights due to apostasy had been recognised alike by Hinduism as well as Mahomedanism.

He endorsed Mr. Vema Reddy's view that there was no need to adopt in Mysore a law which had not been adopted previously even though it had been in force in British India for a long time. He would have appreciated very much if the Government, on the other hand, had proposed a law declaring that every convert from Hinduism would forfeit his right to whatever property he had acquired as a member of the concerned Hindu family before conversion.

Proceeding, **Mr. VENKATARANGA IYENGAR** said that he had been informed that in a recent case in the Mysore District a convert had some difficulties with the Hindu community in regard to the enjoyment of his property. This, he was sure, was but a stray case and hardly warranted a big legislative measure being enacted calculated to go much farther than any one might have contemplated so far.

Mr. Sylvester Pais had, no doubt, appealed on behalf of the Indian Christian community for the unanimous support of the House to the measure. But the speaker was not sure that the request came from the Indian Christian community as a whole. Personally, he was not aware of any Indian Christian Conference having passed a resolution requesting the Government to take action in this behalf. After all, he believed that what Christian missionaries were particular about was to convert people to the extent they could on spiritualistic grounds and not for the material benefit of the converts concerned. He suspected therefore that the agitation in favour of this legislation should have emanated, if at all, from a few interested missionaries. For these reasons, he requested the Government to withdraw the bill.

Mr. J. R. ISAAC, speaking in English, said as follows:—Sir, there seems to be some misunderstanding with reference to the part played by the Indian Christian as well as the Missionary in this bill. I would like to say emphatically that neither the Christian missionary nor the Indian Christian wants any inducement whatsoever or any material gain of any kind to be put before a man who wants to come over to the Christian fold. We do not want any social advantage or incentive to be placed before him. Jesus Christ himself has said:

> "If a man is not willing to forsake his father and mother for My sake, he is not worthy of Me."

This is the teaching of Christ, and this is what we Indian Christians and our missionaries believe in. Purely out of religious convictions if a man is coming over, he alone is worthy of Jesus Christ. This is the only attitude we take with reference to conversions.

But you would ask me why then the missionaries and the Indian Christians are supporting this bill. All that we ask is that when a man, purely out of religious conviction, becomes a Christian, there should be no disabilities attached to him. We want to make the administration in our State ideal so that there may be no advantage or disadvantage on account of a man's change of faith. When a man leaves one faith and goes over to another, the Government ought to see that such a man, who goes over to another religion purely out of religious motives, should not have any disabilities.

One more thing I would like to point out is this. We, the Indian Christians, have been here for over twenty years, but none of us has brought this subject before this Assembly. We thought this was not the place where we ought to agitate, because it would look as if we

are asking for a measure in order to enlarge our community. We do not want to be misunderstood. All that we desire is that we should live in peace and goodwill with all communities. We do not want to create any hostility whatsoever with any other community. There seems to be an impression that a person getting converted to Christianity is going to take all his property and distribute it among the members of the Indian Christian community. Certainly not. The Indian Christian community is not going to be benefited by it at all. What we want is that a man who has a right to a share in a joint family property should not be disinherited when he changes his faith, because he is still one of the family. He does not give up his father or mother. Will it not be doing injustice to him if you say: "Because you are changing your faith, you shall not have your legitimate share of the property?" We feel that here is a question of doing justice to an individual of the State.

Some have a feeling that if a man goes to any other faith, the family is broken up. That ought not to be the case. I will take the case of Ceylon. There is religious toleration there. There is no such law as is here binding them. A man can be a Hindu, the wife a Christian, and the children may be Buddhists, and yet they all live together happily. That is the ideal state of affairs.

One of the reasons why this bill is necessary is this. When a man changes his faith, neither he nor those whom he leaves behind should have any gain or loss. I think in an ideal State such a state of affairs ought to exist. To penalise a man for his religious convictions is unjust. On the other hand, it is desirable to have religious toleration and allow a man to remain in this or any other faith without any loss or gain to all parties concerned. That seems to be the most equitable adjustment of the family property.

A question was asked whether when a man gets himself converted to the Christian religion and if his wife and children desire to remain in the same religion, they will be permitted to do so. My answer is "With all our hearts, we will permit it." In the State all should be treated with justice. If there is any disability in the Christian faith in this respect we will be only too ready to rectify it.

I was pained to notice, in one or two speeches, the Indian Christian being spoken of as a foreigner. We are loyal subjects of His Highness as any other community in the State. We are Indians first and Christians next. As Mysoreans, we want justice meted out between man and man.

Mr. CHELUVIAH, in opposing the measure, said that just at the time when the Government were graciously extending very many facilities and privileges for the advancement of Adikarnatakas, the introduction of a reactionary measure of the kind proposed was tantamount to bartering away the rights of that community. Instead of enacting such legislation, he would advocate the passing of a law by Government for penalising the members of the Hindu community who might forsake their religion in favour of another religion.

Mr. N. G. SANJEEVIAH, referring to the statement of the mover of the bill that objections for the legislation had been received from only 4 members, said that the Government did not seem to have noticed the publicity given in several newspapers to the views of various contributors. There were also others who deferred their opinion for expression at the Assembly.

Much was made of freedom of conscience by the supporters of the measure. But there was the fact that even so great a personage as the King of England was not allowed to enjoy such a freedom. At the time of coronation, he had to take an oath that he would continue to be a Protestant. The moment he changed his faith, he would lose his throne. The very fact that in such an advanced country like England restraint was placed on the liberty of conscience went to show the importance attached to one's loyal adherence to the religion of his birth.

He also reiterated the views expressed by some previous speakers that while there was no objection to any Hindu

getting himself converted to another religion, he could not lay claim to the property of the family in which he was born as he was ineligible to offer *pinda* to his ancestors. In this view, he opposed the bill and requested the Government to withdraw it.

Mr. D. S. MALLAPPA, in opposing the measure, said that he did not think the Indian Christian community was suffering from any disability. Just as a Hindu on conversion would forfeit his right to the property of the family to which he belonged, a Christian or a Mahomedan should also be prepared for the loss. There had been many instances of conversions in the past, but there was no instance in which any convert had claimed property. The speaker did not think that even in advanced western countries, there was anything like absolute freedom in religious matters. For example, the King of England was not free to secede from Protestantism. While the British Government had enacted such legislation in England, they were not prepared to introduce a similar measure in India. It was all easy for unconcerned third parties to talk of tolerance. But the speaker asked how could a father suffering from the pangs of separation from his son who had embraced another religion, willingly part with his property in favour of such a son? As the measure aimed at creating facilities to enrich the Christian faith with both men and money at the cost of Hinduism, he was of opinion that it did not deserve the support of the House.

Mr. M. A. GOPALASWAMI IYENGAR, in supporting the measure, observed that it comprised two parts, (1) the forfeiture of rights due to conversion to an alien faith, and (2) the forfeiture of rights due to degradation or loss of caste. So far as the second part of the measure was concerned, no speaker had raised any objection. The opposition seemed to centre round the first part only. If it was accepted that freedom of religion was a desirable thing and that the rigour of caste system should be relaxed, it was then to be considered what should be the policy of law in regard to rules of law based on religion or caste. Any rule of law entailing forfeiture of rights due to apostasy or degradation of caste was hardly in consonance with modern notions of liberty and justice. In these days when intercaste marriages were advocated and liberty of conscience was urged, there was no meaning in retaining and enforcing any rule of law contrary to those modern ideas. There seemed to be some misapprehension that Hinduism which was not a proselytising religion would be placed in a disadvantageous position as the measure was likely to encourage conversion. But there did not appear to be any valid cause for this misapprehension. Proselytism had now become an accepted fact in Hinduism. It was not confined, as a previous speaker had suggested, to reconversion of persons who were by birth Hindus but had subsequently become converts to an alien faith. Even the courts of law had recognized the conversion of non-Hindus. The Religious and Caste Disabilities Removal Act in force in British India for the last 86 years did not seem to have encouraged conversion. The measure therefore deserved the support of every rational and liberal-minded person.

Mr. Belur SRINIVASIENGAR, speaking in English, said as follows :—Sir, I respectfully request you to let me address a few sentences in English so that I might reply my very esteemed Friend, Mr. Isaac. Let me make my position clear. Whether those that oppose the measure are under a misapprehension or those that support it are under a misapprehension, I leave it to the members of the House to decide.

My first submission—and I use that word with a sense of responsibility—to Mr. Isaac is this. He first said that there should be no disability attached to a Hindu who changes his religion and takes up Christianity. I have personally very high regard for Mr. Isaac for the words he uses, because I have not known him use words without consideration. But now, the word "disability" has been used by him. I should like to put him this question. In respect of the property of a grandfather, father and son have equal shares

according to the Hindu Law. If the son becomes a Christian, I ask Mr. Isaac whether he would want the Hindu Law to apply to the son or not. The son cannot have the Hindu Law for purposes of partnership, *i.e.*, for a share in the property equally along with his father; for, according to the Christian Law only the father has got a share and not the son. The Hindu Law, based upon Hindu religious texts, is not a law made by the sovereign and is not imposed by the British Government. According to this law which has been in force for the past several centuries, the son is entitled to a share so long as he remains a Hindu and no more. How can he ask for a share after he ceases to be a Hindu? I ask Mr. Isaac, a gentleman who asks for justice, to answer this point.

Secondly, the Law of Survivorship is exclusively peculiar to the Hindu Law. You do not find it in either the English Law, or Common Law, or any law made by any legislature anywhere in the world. You can claim the law of survivorship so long as you are a Hindu. But, how on earth can you claim it according to the Christian Law? Is there a Christian Law relating to survivorship? The answer is 'No.'

Let us now pause for a while. Mr. Isaac will agree with me that in all civilised countries the accepted principle in politics and legislation is that no changes should be made in the national laws of inheritance unless any of those laws are manifestly barbarous and work as grievous injustice on individuals which cannot in any other way be avoided or remedied. I do not quarrel with him when, in the earlier part of his statement, he said that no inducement need be put before a man who wants to come over to the Christian fold. But, where he has erred is when he says that there is a disability which the convert is suffering from. He said that the convert before his conversion was entitled to inherit, but he was deprived of it after conversion and therefore he was suffering under a disability. But, if the matter is considered dispassionately, there is no disability at all. As long as he is a Hindu, he gets certain rights, the right of survivorship, the right to equal share along with the father and so many other legal rights. His enjoyment of the property is connected with religion and independently of it he cannot enjoy. If he ceases to be a Hindu, he cannot have those rights. How on earth therefore can it be said that he should have his share of the property after he ceases to be a Hindu? He ceases to be a Hindu but still wants advantages! As long as I am a member of the Assembly, I get Rs. 5 as my daily allowance. The moment I cease to be a member, I do not get it. How on earth can I ask for it?

My Friend said "penalised." What is penalisation; how, where, when, and in respect of what? My Friend said "There is a member of a Hindu family; the moment he becomes a Christian, this inability to get a share in the property which he would have got if he had remained as a Hindu is penalising." My Friend is better acquainted with vested interests and the right of partition. I ask him to state who penalised the convert. Who is the author of penalisation? Why does not my Friend stop for a while and pause and think whose property it is that he seeks a share of? Is it wrong on the part of the owner of the property to desire that after his life-time his property should be enjoyed by his own son, by persons who are dear and near to him and by persons who adhere to his own religion? Will my Friend say that after the owner's life-time, his property should go to a negro?

There is another aspect of the question. My Friends have been one-sided in their arguments. That is not fair. What about others with whom the rest of the property remains? Should not the legislature consider the two cases—persons who get property and those from whom property is taken away? The accepted principle is—very eminent people have thought over it and have come to that conclusion—that the desires, the inclinations and the rights of those from whom the property is taken away should also not be injured.

Therefore, by all means legislate ; but do not cause any harm to those who contribute towards his getting the property.

Let me ask my Friend how many Christians have lost how much of property ? What is the value of the property that they have lost ? Is it one rupee, two rupees, or a lakh of rupees ? How many of them have become destitutes, helpless, that they want the State to come to their rescue ? Did the excellent scholar who introduced the measure say one word about that, as to how many individuals who would have lived a happy life have become ruined on account of want of this legislation ? Did he say one word about the amount of valuable properties they are deprived of ? Not one word. Therefore, who is it that is penalised ? Not the convert but the Hindu fold which he has deserted. Those people that give him money are penalised. And there is no disability attached to a person who leaves the Hindu fold and because he leaves the fold there is no penalising at all.

One word more. My Friend took the example of Ceylon and said that there was religious toleration there, that a person there could be a Hindu, his wife a Christian, and his children Buddhists, and yet all might live together happily. And he wanted that Mysore should copy that ideal state of affairs. Well, I should say that that is impossible. He is a dreamer, a healthy dreamer, and a happy dreamer, with a large amount of imagination even in dreams. We are not in Ceylon and the analogy of Ceylon is absolutely inapplicable to Mysore.

I want my Friend Mr. Isaac as also my other esteemed Friends who represent to-day the Indian Christian community to read and re-read what Diwan Bahadur M. Subrahmanyam, a member of the Staley Committee appointed by Government in 1907, said in respect of this matter. In fact, that learned member who represented the Indian Christian community on the committee objected to the grant of property to the convert because it conceded nothing which the convert could not at present obtain. What surprises me most is this : Suppose you pass the law in spite of our opposition. Will the 75,000 Christians become rich to-morrow ? Will their religion become better ? Will they get more property ? What is it that they get ? So far as the new converts are concerned, they will have some facilities at the expense of injuring the feelings of the remaining people in the family which they desert. We have very great respect for the Indian Christian community. We do not want for a moment to take away any right which they have. But, what I ask them is, let them not go in a circumlocutory way to give us some trouble.

I have tried to show that the object of this piece of legislation, the principle involved in it, the immediate effect of it, are nothing but bringing about trouble and discontent and dissatisfaction among us all. I have tried to meet in as fair a manner as I possibly can, the position taken by my esteemed Friends. There is no substance whatever in their speeches, except emotion and sentiment which are disproportionate to reason and to facts involved and to the needs arising and from any point of view. Neither from the introductory speech—which was so grammatical, logical, and which was attempted to be put in a laboured convincing manner by the learned mover for whose great erudition I have great respect but not for his reasoning—was the necessity for the measure convincing. I beg of you, Sir, not to interfere. Let things go as they are. We are grateful to the Second Member of Council when he said to-day in reply to our congratulations to him on his being the recipient of the title of " Rajamantrapravina " that he and we are really one though there was difference on the surface, and wished that that sort of relationship should develop. But, in the meanwhile, this legislation has been brought forward. I trust, Sir, that you will take the sense of the House. It is a matter in which the Government have not taken the initiative themselves. But all the same they themselves have brought forward the measure. We are thankful to you, Sir, for consulting us. But, what we do ask is, please do not interfere. If it

is said that there is injustice really which cannot be remedied without this measure, I say that it can be remedied in such a manner whereby the son though converted can get the property. If my son is really a good man whom I love and unfortunately he becomes a Christian, I will will away my property. Let all those people who go to the other religion disappointed by the existing Hindu Law come to me, I will prepare the draft of a will whereby though converted they can get the property. Sir, I hope I have met the position taken by my learned Friends.

At this stage, the House adjourned for lunch and reassembled at 3-30 p.m.

On reassembling, **the CHIEF SECRETARY to GOVERNMENT (Mr. B. T. Kesavaiengar)** announced that the Assembly would be held the following day from 8 A.M. to 12 NOON, in order to enable the Mysore University authorities to refit the Hall for the Convocation to be held on the morning of the 29th October.

Mr. B. L. BYANNA, in opposing the measure, said that though it appeared to apply to all communities alike, it was in fact designed to help only one community, *viz.*, the Christian community. That was the reason why there was such a strong opposition to the measure even from the Mahomedan members of the House, with one solitary exception. Generally speaking, he would say that persons got themselves converted to other religions more with the object of deriving some definite material advantage than attaining spiritual salvation. Such being the case, he did not see any reason why they should be given the additional advantage of inheriting property from the family of their birth which they had discarded.

Continuing, he said that the motto of His Highness the Maharaja was "Satyamevodharamyaham" which meant "I uphold truth and nothing but truth." So whatever action the Government took should be in accordance with truth, justice and equity. The existing restriction in the Hindu Law excluding among others, converts from inheritance rights was imposed with a view to safeguard the solidarity of the Hindu society. By removing such a healthy restriction, as proposed in the measure under discussion, the Government would facilitate conversions from Hinduism and thus pave the way for the rapid disintegration of the Hindu society. He pleaded that, Mysore being predominantly a Hindu State, the Government should not take the initiative in providing facilities for conversion from Hinduism.

Proceeding, the speaker said that *Khan Bahadur* Mahomed Abbas Khan had argued that when a member of a family could not be prevented from being converted to Christianity and a precious soul was thus lost to it, the question of property should form only a secondary consideration. In answer to that argument, the speaker would say that there was no reason why the family should be deprived of the property also along with the man.

It might be that the Government had received a representation from the Christian community about the removal of the existing disability in the case of converts. But, so far as the feeling in the Assembly went, barring 2 or 3 speakers, all others were opposed to the principles of the measure tooth and nail. In the face of such opposition, Government should not enact the measure just to favour the Christian community with a population of about 75,000. On the other hand, Government would be well-advised to respect the views of the great majority of the members and withdraw the measure.

Mr. T. MARIYAPPA said that those who favoured the legislation did not seem to have understood its implications. Mr. M. A. Gopalaswami Iyengar had remarked that a far-sighted view would reveal that the measure was not so harmful to the Hindu community as it was apprehended to be, since in the 20th century there was a general desire to have freedom of conscience and there was no meaning in retaining any law contrary to that desire. But, so far as the Hindu Law was concerned, there was close relationship between religious duties and inheritance rights. This

was peculiar to the Hindu Law and it stood to reason that the moment a person became ineligible to perform such religious duties, he should forgo his inheritance rights automatically. But the measure under discussion sought to remove that disability and allow inheritance rights even to converts. Such a procedure would adversely affect the joint family property as also that of persons without heirs and dying intestate, and would shake the very foundation of the Hindu society rudely.

The Christian members who had spoken on the measure had said that they wanted only bare justice. The speaker, for his part, did not see any justice in the convert claiming a share in the property of the family of his birth which he had discarded. If out of sincere religious conviction a person changed his faith, such a person would not worry himself about the question of property due to him from the family that he had abandoned. And it was only the convert who was lacking in such deep-rooted conviction that would hanker after that property. But according to the Christian maxim, it was not worth getting such a convert to its fold. So the question of disability so far as the convert went did not arise.

In conclusion, he said that the rule of exclusion from inheritance in such circumstances, which was to be found in almost every religion, was a healthy feature of each community and it should be allowed to continue unimpaired. For these reasons, he hoped that the Government would take back the measure.

Mr. M. S. PUTTARAMA SETTY said that members of all communities had spoken on the measure and that most of them had opposed it including one lady member. In the face of such opposition, the Government would not be well advised in pressing the measure. If the bill was passed and a wealthy person with a large family consisting of several children should, on embracing another religion, be allowed to carry away the property from the family of his birth, it was needless to say that the children would be left in the lurch and become destitutes. The State had an obligation to see that such a situation was not created. For this reason, it was desirable that a person disowning his religion ought not to be allowed inheritance rights. Though similar legislation had been in force in British India for over 75 years, the necessity for it had not been felt in the State all these years and the Government could similarly wait with impunity for another century.

In conclusion, he said that instead of creating facilities for proselytism, the Government would do well to impose a penalty in the shape of a duty on all persons changing their religion. Such a measure would at least aid in keeping up the solidarity of the Hindu community without in the least harming other religions.

Mr. H. K. MADIAH commended for the special consideration of the House the views expressed by Mr. D. S. Mallappa on the measure. He said that just as Christianity and Mahomedanism, the Hindu religion was equally sacred. And as it was only the Hindu religion that would be affected prejudicially by the proposed legislation which had received support mostly from the Christian members of the House along with a bare two belonging to other religions, the measure deserved to be voted down.

From experience, he could say that cases of converts from the Hindu faith having risen to any prominence were few and far between. He had also known cases where the converts had repented for their hasty action in having left their original fold. Under the existing law, there was at least a chance of the convert being looked after by the members of his family if he wished to get back to his original religion. But if the proposed law was passed, the deserted family would not be anxious to take him back, because he would have carried away with him his share of the property at the time of conversion Thus the re-convert would be left without any means for his future maintenance.

For these reasons, he said that the law as it existed might continue with advantage.

Mr. K. T. BHASHYAM AIYANGAR said that no right thinking person would approve of the measure. The reason given by the Government was that simply because a person changed his religion, there should be no disability for him in the matter of inheriting the property which would otherwise have been his legitimate due. But it was not stated anywhere in how many cases the existing law had worked as a hardship. Since the necessity for the measure had not been established, he felt that it was not desirable to pass it.

The mover of the proposed measure had claimed that even in the absence of a demand from the people, the Government would be justified in enacting beneficent measures on their own initiative. But the speaker would ask whether the Government were adopting such a policy consistently in all matters affecting the interests of the people. There were several directions in which the people were undergoing difficulties and yet the Government had not taken the initiative in introducing necessary legislation to set matters right. Such being the case, he did not understand why for an imaginary evil, the Government should be so anxious to enact an unpopular piece of legislation.

As regards the contention that simply because a similar legislation was in force in British India, it was desirable to enact it in Mysore also, the speaker pointed out that the British Government was able to secure an easy passage for the measure, because it was enacted about 86 years ago when the members of the legislature had not the courage of their conviction to oppose a bill sponsored by the Government. He would challenge the authorities concerned to secure support for a similar controversial bill in the existing Indian Councils or the Assembly. It would be an impossible task, the reason being that such measures would do more harm than good to the Hindu community.

The Christian members who pleaded for the acceptance of the measure had referred to the teaching of Jesus Christ to the effect that if a man was not willing to forsake his mother and father for His sake, he was not worthy of Christianity. Such a maxim was by no means peculiar to Christianity. So far as the Hindu philosophy went, it had laid special emphasis on the very same maxim long before the birth of Jesus Christ. If Christianity had also recognised that the man could attain salvation only by renouncing the worldly goods out of sincere religious convictions, the question of property ought to go out of consideration. Otherwise, the object of the person in renouncing his original faith and becoming a convert to Christianity would be frustrated as he could not get the salvation or attain the Godhead.

Another argument advanced by the supporters of the measure was that Mysore was in advance of British India so far as the Hindu Law reform was concerned and that even on the previous day the Assembly had passed an amending bill extending the right of inheritance to the blind and the maim and that as such it was but appropriate that they should also pass the measure under consideration which aimed at extending the right of inheritance to still another class of people. In reply to that, he would say that the measure before the House was not on all fours with the other amendments in that it went to benefit the cause of Christianity to the detriment of Hinduism, as clearly explained by the previous speakers. He had no doubt that the proposal to extend to the convert the right for a share of the property from the family of his birth would go a long way in encouraging conversions. Under the existing conditions, the propaganda work of Christian missionaries was not producing the desired effect on the Hindus and the latter apprehended that the proposed amendment would act as a stimulus to the proselytising activity of the missionaries. This was another reason why the bill did not deserve to be passed into law.

Proceeding, **Mr. BHASHYAM AIYANGAR** said that it was foolish to dogmatise about the superiority or inferiority of a particular religion. Each religion had its own good doctrines. None of the human beings had seen God personally. "Faith and Faith alone we

embrace where we cannot prove." Such being the case, it would be the natural desire of every community that the properties earned by the members thereof should be utilised for the benefit of the members of that community and any inroad into it would tell upon the communal solidarity In the maintenance of the racial integrity, wealth played a large part and it had to be conserved in the same fold.

It was in human nature to give preference to one's own religion until such time when every one reached a stage of believing in the highest philosophy that all religions were one leading to a common goal. But so long as it was not possible for an average human being to reach that stage, the conservation of the economic strength of each community was essential and the Government should do nothing which might tend to impair it in any way. On these grounds, the speaker opposed the measure.

The PRESIDENT, in winding up the discussion, observed that the bill had been discussed sufficiently from all aspects, that every shade of opinion had been made known to Government and that they would give due consideration to the various views before taking further action.

The general principles of the bill were then put to the House and declared lost, 7 voting in favour and all the other members voting against.

IV. General Principles of the Bill to amend the Minor Tank Restoration Regulation of 1916.

The CHIEF SECRETARY to GOVERNMENT (Mr. B. T. Kesavalengar) explained the general principles of the bill as follows :—

In passing orders on the recommendations of the committee appointed for suggesting measures for improving the condition of tenants in inam and jodi villages, Government accepted the recommendation of the committee to give effect to the orders passed on the Inam Commission Report of 1918 in regard to enforcing the responsibilities of inamdars and tenants in respect of restoration of minor tanks.

In order to implement this order, it is proposed to amend the Minor Tank Restoration Regulation. According to the amendment proposed, the raiyats in inam villages will have to contribute towards the cost of restoration in the same proportion as in Government villages. The balance will be shared by Government and inamdars in the proportion of the land revenue payable by the inamdar to the Government and the total assessment of the village less the land revenue payable by the inamdar to Government.

Mr. T. MADIAH GOWDA said that the Inam Committee of 1932, in dealing with the various improvements required to be made in inam villages, had stated that the first thing to be done in that direction was the introduction of survey and settlement in those villages. The Government had also promised to introduce them as early as possible in all the inam villages. Though it was a well-known fact that there were several unrestored tanks in inam villages and that there was a necessity for restoring them and the bill under consideration was essential for that purpose, he was not in favour of introducing piecemeal legislation in respect of inam villages. Because, he was of opinion that without introducing survey and settlement in those villages, it would not be possible to enforce any other measures of improvement. So, he suggested that the Government should bring up a comprehensive bill dealing with all matters connected with inam villages including therein the question of restoration of tanks also. For these reasons, he opposed the bill.

Mr. S. K. VENKATARANGA IYENGAR said that apart from the question of introducing a comprehensive measure since the bill had been placed before the House, the point at issue was whether its acceptance would result in any harm to any party. If there should be a definite advantage in passing it independently of other considerations, he did not see any reason why the House should not accept it. If minor tanks in inam villages were to continue in their present neglected condition, neither the inamdar nor the

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tenants nor the Government would stand to gain. So it was necessary that all the three parties should co-operate and bear their respective share of the cost of improving the tanks. Then and then alone would the parties concerned derive any benefit from the inam villages. By introducing the bill under reference it was possible to bring the inam villages in line with Government villages in the matter of tanks and their utility. If that was done, the raiyats in the inam villages would also feel grateful to the inamdars.

On the previous day, it was stated by some members that the tenants in inam villages had no permanent occupancy rights. The speaker said that that was not a correct statement of fact. If a tenant paid assessment for a period of 12 years continuously, he would become a *hiduvali hakdar* and be entitled to permanent settlement concessions, and several inamdars had actually given such rights to the tenants. Such raiyats were sure to benefit by the proposed measure.

In conclusion, he said that just as the Assembly had approved the previous day of the Bill to amend the Irrigation Regulation as an independent measure, it might give its approval to the general principles of the bill under discussion pending the introduction of the comprehensive piece of legislation referred to by the previous speaker.

Mr. K. CHENGALARAYA REDDY mentioned that he was a member of the Inam Committee of 1932 and could say that the introduction of survey and settlement in all inam villages was the bedrock recommendation sent up by that committee. The reason why the Inam Committee gave the first place to that recommendation was that it would fix the rights, duties and responsibilities of both the inamdar and the tenant. As such, he felt strongly that Government should give effect to that recommendation in the first instance and then take up other questions. It was not also clear from the bill why all should bear the cost of restoration of the minor tanks and in what proportion. As the committee had duly counter-balanced the duties and responsibilities of both the inamdar and the tenant before drawing up their report, he thought it would have been in fairness to all the interests concerned if the Government had brought up a comprehensive bill dealing with all the recommendations made by the committee, instead of dealing with them piecemeal. However, seeing that the bill had been placed before the House, the speaker had no objection to accepting it subject to the condition that it should be made applicable only to those inam villages wherein survey and settlement had been introduced. To apply it to other inam villages would be premature and harmful to the interests of the tenants. From that point of view, he did not think that the measure would be beneficial in all cases.

The PRESIDENT explained that orders had already been issued by Government on the report of the Inam Committee and that it was for implementing the order that the amending bill had been brought up. As regards the compulsory introduction of survey and settlement in inam villages, Government had received proposals for the amendment of the law, and action would be taken in that behalf also. The recommendations of the committee could be given effect to in certain cases by means of executive orders and in certain others only by amending the existing law. He assured the House that all that was necessary was being done to give effect to the recommendations of the committee and that the bill under discussion might be passed.

Mr. H. B. GUNDAPPA said that the House was keen that the provisions of the bill should be made applicable only to such of the villages as had been surveyed and settled.

The PRESIDENT observed that by the time the bill under discussion got into working order, many of the recommendations of the Inam Committee would have been brought into force.

Thereupon, the general principles of the bill were put to vote and passed by a large majority.

V. General Principles of the Bill for the Regulation of Wireless Telegraphy in Mysore.

The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. M. Venkatanaranappa) explained the general principles of the bill as follows:—

The Indian Telegraph Act of 1885 has been made applicable to the State by the Mysore Telegraph Regulation IV of 1899. The British Indian Act has since been amended in 1914 and the amending Act brought wireless apparatus and wireless appliances within the scope of the Telegraph Act. The establishment, maintenance or working of wireless telegraph apparatus are controlled, under the Act, by the issue of licences, and penalties are prescribed for contravening the provisions of the Act. Subsequently, the Indian Wireless Telegraph Act of 1933 was passed which requires a licence even for the possession of wireless appliances as distinct from establishment, maintenance and working.

The British Indian Acts of 1914 and 1933 have not been adopted in Mysore, and consequently there is, at present, no statutory bar to the operation or possession of wireless apparatus here. Broadcast receiver licences are being issued by the Director of Industries and Commerce under the authority of a Government Order on the same lines as in British India, on payment of an annual fee of Rs. 10 per licence; but the Director has brought to notice that in the absence of specific provision in the existing law in Mysore for enforcing licences being taken out for putting up wireless installations and maintaining them, no action could be taken against persons who have either not taken out licences or having once done so, have not renewed them. It is therefore, considered desirable to introduce legislation to regulate the possession, establishment and working of wireless apparatus in the State. A bill has accordingly been drafted. It combines the provisions of the Indian Telegraph Amending Act of 1914 and the Indian Wireless Telegraphy Act of 1933 so far as they relate to Wireless Telegraphy.

The bill provides for taking out a licence for operation of broadcasting and receiving sets and for possession of wireless appliances, and the establishment or possession without licence is made punishable. Provision is made for granting, out of the fine inflicted, any sum for the benefit of any broadcasting service as a contribution towards the cost of its maintenance in return for the benefit derived from it.

The general principles were accepted by the House nem con.

VI. General Principles of the Bill further to amend the Mysore Village Panchayet Regulation.

The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. M. Venkatanaranappa) explained the general principles of the bill as follows:—

Under Section 3 (10) of the Village Panchayet Regulation, the term "village" is defined to mean a local area recognised by the Government to be a village for purpose of collecting the land revenue. A revenue village comprises not only the residential areas of the village and its hamlets but all the agricultural and communal lands within its boundaries. Such a unit is not always found to be the most convenient for purposes of panchayet administration. It may sometimes be necessary to constitute portions of one or more revenue villages into a panchayet area. Such an arrangement would be suitable, for instance, in cases where industrial colonies have sprung up in the neighbourhood of factories, such as the Mandya Sugar Factory and the Bhadravati Iron and Steel Works. It is, therefore, proposed to add a section to the Village Panchayet Regulation on the lines of Section 102 of the District Boards' Regulation so as to enable the Government to exclude any particular area in a village from the operation of the provisions of the Village Panchayet Regulation and placing such excluded area under the jurisdiction of a special panchayet with specified powers.

The Mysore Village Panchayet Regulation is proposed to be amended accordingly.

Mr. V. V. IYER brought to notice that prior to the springing up of industrial concerns in rural areas, the villagers were enjoying good enough sanitation given by nature. But after the development of the area into an industrial centre, the sanitation of the area was affected prejudicially owing to the increase in population. Apart from that handicap, the higher wages paid by the industrial concerns began to attract the raiyats. This resulted in prejudicing the agricultural operations in the area. Thus the starting of industrial concerns in rural areas was responsible for affecting the even tenor of village life. The bill sought to separate the survey numbers of a village or villages comprised in the industrial colony from the jurisdiction of the existing village panchayet and constituting them into a special panchayet. Thus while the people in the newly constituted panchayet would be enjoying all the civic amenities specially created therein, those in the other part of the same village would have to forgo all those amenities. With a view to remove such a disability, he suggested that the entire village might be taken within the jurisdiction of the special panchayet of the industrial colony, especially as the latter owed a duty to the villagers to make amends for having brought about a change in rural economy in that area.

Mr. T. MADIAH GOWDA pointed out that so far as he was aware there were only two industrial centres worth the name in the mofussil, *viz.*, the Bhadravati Iron Works and the Mandya Sugar Factory. That being so, he did not know how this question would affect the Village Panchayet Regulation. If at all, it might affect the Municipal Regulation. If, however, it did affect the Village Panchayet Regulation, he thought it would not be equitable to constitute a special panchayet for the exclusive benefit of the colony and thus deprive the other portions of the existing panchayet area of the benefits of the civic amenities created in the colony. He was very keen that equal facility should be created to all the people in the locality to march alongside of the colonists in civic matters, and on that ground he opposed the bill as it aimed at splitting up the existing jurisdiction.

Mr. Bagamane DEVA GOWDA pointed out that the position of the industrial colonies was similar to that of the coffee plantations. When the planting area was proposed to be brought under the jurisdiction of the neighbouring village panchayet, the European planters agreed to pay the taxes under the Regulation but stipulated that the panchayet concerned should not interfere in plantation matters. He therefore thought that, apart from the question of jurisdiction, the industrial colonists ought to agree to pay the taxes due to the existing village panchayets in view of the fact that the village panchayet movement was in its infancy and its resources deserved to be augmented in every possible way. In case, however, it was proposed to exempt the colonists from payment of the village panchayet taxes, he was afraid that a similar concession would have to be shown to the coffee planters as well.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rau) observed that there was apparently some misconception regarding the object of the measure. The present position was that all areas outside the municipal limits were included in the jurisdiction of village panchayets. It was possible that industrial colonies established in connection with factories might include areas under the jurisdiction of several village panchayets and perhaps of a municipality as well. The position of such a colony would be anomalous if the local affairs of different portions of it were under different local bodies. Such an arrangement would be administratively very inconvenient. It was desirable that the affairs of such a colony should be administered by a single local authority. The accident of the area being technically included in different panchayet areas should not come in the way of this obviously desirable measure being secured.

Referring to objections raised by Mr. V. V. Iyer, **Mr. N. MADHAVA RAU** observed that it was not the intention of Government to keep industrial colonies separate from the residential portions of a village if the two formed a compact area. But where the colony was separate and distant from the residential area of a village, it would be inappropriate to bring them together under one or more panchayets. It was the object of the bill to ensure that the arrangements for the administration of local affairs were adapted to the needs and requirements of the village proper on the one hand and the industrial settlement on the other.

Mr. S. C. MALLIAH suggested that if the idea was to enable the Government to take power to introduce a special legislation for the purpose of administering those particular areas, and if it was also the intention of the Government not to neglect the remaining portion of the village, the entire village might be taken over within the jurisdiction of the special panchayet.

Mr. N. MADHAVA RAU explained that the arrangement did not preclude a village or villages being included in the industrial colony, if it was to the advantage of both to be placed under a common administration. The cases that were in view, however, were those in which an industrial colony was situated within the boundaries of two or three villages while it was fairly distant from the *gavtana* of each such village.

Mr. L. VEMA REDDY, in strongly supporting the bill, said that it would not affect the existing rights of village panchayets in any way. He had no doubt that the villages surrounding the industrial colony had everything to gain by way of civic amenities and nothing to lose. Under the Municipal Regulation, the Government had power to fix the municipal boundary and to change it from time to time. He thought that they could exercise similar powers in the case of village panchayets also.

Rao Sahib M. RAMASWAMY, speaking in support of the bill, said that when such industrial colonies were formed in rural areas the villagers in the neighbourhood could share in all the civic amenities, such as, water-supply, medical aid, sanitation, lighting, schools etc., at concession rates. The colonists were certainly not going to obstruct them from enjoying those amenities.

The general principles of the bill were then put to vote and passed.

VII. General Principles of the Bill to amend the Mysore Village Offices Regulation.

The CHIEF SECRETARY to GOVERNMENT (Mr. B. T. Kesavaiengar) explained the general principles of the bill as follows:—

In an order passed on 10th July 1935, Government declared their policy that the hereditary system in respect of village offices should be terminated as rapidly as circumstances permitted and that this class of public servants should be replaced by stipendiary officers.

A bill has been prepared with a view to give power to the Deputy Commissioner to enable him to terminate the hereditary right in a village office with the consent of the holder upon such terms as to compensation and other matters as may be prescribed and agreed upon.

Provision is also made for the compulsory acquisition of the right when Government consider it desirable in public interests.

When the hereditary right is commuted, the inam lands attached to the office will be enfranchised.

The bill also provides for another matter relating to the power proposed to be given to an inamdar to make his own arrangements to carry on the duties of patels and shanbhogs in an inam village where there are no hereditary officers. This is in pursuance of the orders passed by Government on the report of the Inam Committee appointed in 1932 in an order dated 16th July 1935, in which Government held the view that the inamdar should not be compelled to employ shanbhogs and patels for every alienated village under him, but should be at liberty to make any arrangement he liked to collect the revenue, grant receipts, maintain and submit to the Government authorities

the required accounts and to perform the police duties required by Government of a village headman. But, if he wished to do the work himself or to employ any other agency on payment of a salary, Government thought that he should be at liberty to do so.

With a view to give effect to the policy of Government as enunciated in the order referred to above, it is proposed to amend Section 9 of the Village Offices Regulation so as to provide for the inamdar being allowed to do the work of the patel or shanbhog in an inam village himself or to employ other agency on payment of a salary.

At this stage, the Assembly rose for the day to meet again at 8 of the clock the following day.

THIRD DAY.

Wednesday, 28th October 1936.

The House reassembled at the Jagan Mohan Palace Pavilion on Wednesday, 28th October 1936, at 8 of the clock, *Rajamantrapravina* S. P. Rajagopalachari, First Member of Council, in the Chair.

QUESTIONS AND ANSWERS—*contd.*

Assessment in the Kolar District.

Q.—14. **Mr. S. VENKATASWAMI GOWDA** (Malur Taluk).—

Will the Government be pleased to state:—

(*a*) the rate of assessment per acre levied by the Survey Department on lands included in the *atchkat* of major tanks in the Kolar District;

(*b*) what is the rate of assessment per acre on lands irrigated under the Cauvery river?

A.—**The CHIEF SECRETARY to GOVERNMENT (Mr. B. T. Kesavaiengar).**—

(*a*) Average, Rs. 5-10-2 per acre.

(*b*) Average, Rs. 8-1-10 per acre.

Mr. S. VENKATASWAMI GOWDA.—Is not the rate of assessment of Rs. 5-10-2 levied in the Kolar District rather high seeing that there is no guarantee of water supply?

Mr. B. T. KESAVAIENGAR.—That is the average rate. The actual rate varies, according to the water facility available, from Rs. 3 to Rs. 8.

Mr. S. VENKATASWAMI GOWDA.—Have the Government guaranteed the water supply there?

Mr. B. T. KESAVAIENGAR.—What guarantee could the Government give? Filling of tanks depends upon rain.

Mr. S. VENKATASWAMI GOWDA.—Seeing that the tanks do not get filled every year, is not the rate charged too high?

Mr. B. T. KESAVAIENGAR.—It is on the basis of the average rainfall during the previous 30 years and the water supply available that the rate is fixed by the Survey Department at the time of the settlement.

Mr. S. VENKATASWAMI GOWDA.—Is the rainfall now the same as it was 30 years ago?

Mr. B T. KESAVAIENGAR.—I cannot say; that is why resurvey and resettlement are undertaken once in every 30 years.

Mr. S. VENKATASWAMI GOWDA.—Is it the contention of the Government that at the last resettlement, the rates were not increased?

Mr. B. T. KESAVAIENGAR.—The rates are revised on other considerations also, such as the harvest, price of crops, communications, marketing facilities available, etc.

Mr. B. SRINIVASA RAO.—Is it not possible to reduce it now?

Mr. B. T. KESAVAIENGAR.—It is not possible.

Mr. B. SRINIVASA RAO.—What are the maximum and minimum rates in the Kolar District under the major tanks and the minor tanks?

Mr. B. T. KESAVAIENGAR.—Notice.

Mr. Belur SRINIVASIENGAR.—What is asked for in the question is not the average rate. Could not the Government have furnished the rates of assessment per acre under different tanks?

Mr. B. T. KESAVAIENGAR.—That would be a big list, and it would not be worthwhile compiling it.